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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRAFFIC SPORTS USA,

Plaintiff,

ORDER

11-CV-1454 (ADS)(AKT)

-vs.-

MODELOS RESTAURANTE, INC. d/b/a
SAJUMA RESTAURANT LOUNGE,

Defendant.
-----X

APPEARANCES:

Paul J. Hooten & Associates

Attorney for the Plaintiffs

5505 Nesconset Highway, Suite 203

Mt. Sinai, NY 11766

By: Paul J. Hooten, Esq., of Counsel

NO APPEARANCE:

Modelos Restaurante, Inc., d/b/a

Sajuma Restaurant Lounge

SPATT, District Judge.

The Plaintiff commenced this action on or about March 24, 2011, asserting claims against the Defendant Modelos Restaurante and the former Defendant Reinaldo Quintanilla for monetary relief, pursuant to the Federal Communications Act of 1934, codified at 47 U.S.C. §§ 605 and 553. On October 26, 2011, the Court so ordered a stipulation discontinuing the action against the Defendant Reinaldo Quintanilla only. On January 20, 2012, the Clerk of the Court noted the default of the remaining defendant, Modelos Restaurante. On January 24, 2012, the Plaintiff moved for a default judgment as to Modelos Restaurante.

On January 27, 2012, the Court referred the matter to United States Magistrate Judge A. Kathleen Tomlinson for a recommendation as to whether the motion for a default judgment

should be granted, and if so, to determine what relief was appropriate, including reasonable attorney's fees and costs.

On August 1, 2012, Judge Tomlinson issued a thorough Report recommending that the Court enter default judgment against the Defendant and award the following: (1) \$1,000 in statutory damages; (2) \$3,000 in enhanced damages; and (3) \$350 in costs. The Report did not recommend an award of attorneys' fees, as the Plaintiff indicated that it did not seek this relief. To date, no objection has been filed to Judge Tomlinson's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Tomlinson's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Tomlinson's Report and Recommendation is adopted in its entirety, and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against the Defendant in the amounts recommended by Judge Tomlinson as set forth above; and it is further

ORDERED that the Clerk of the Court is respectfully directed to mark this case as closed.

SO ORDERED.

Dated: Central Islip, New York
August 22, 2012

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge